

EDMUND G. BROWN JR.  
Attorney General of California  
SUSAN M. CARSON  
Supervising Deputy Attorney General  
JENNIFER C. ADDAMS  
Deputy Attorney General  
State Bar No. 209355  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5382  
Fax: (415) 703-5480  
E-mail: Jennifer.Addams@doj.ca.gov  
*Attorneys for Defendants*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**BARTOLO MULLEN,**

Plaintiff,

**v.**

**ED FOULK, EXECUTIVE DIRECTOR OF  
NAPA STATE HOSPITAL, et al.,**

Defendants.

C09-6081 RMW(PR)

**[] ORDER GRANTING  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

Courtroom: 6  
Judge The Honorable Ronald M.  
Whyte

Action Filed: May 11, 2010

Defendants Ed Foulk, Cynthia Radavsky and Gerald Marshall (Defendants) filed an administrative motion to file the following documents under seal pursuant to Civil Local Rules 7-11 and 79-5:

1. Defendants' Notice of Motion and Motion for Summary Judgment; Memorandum of Points and Authorities in Support Thereof
2. Declaration of Cynthia Radavsky in Support of Defendants' Motion for Summary Judgment
3. Declaration of Patricia Tyler, M.D. in Support of Defendants' Motion for Summary Judgment

#### 4. Declaration of Gerald Marshall in Support of Defendants' Motion for Summary Judgment

The Court finds that each of the above-listed documents contains information relating to plaintiff's treatment at Napa State Hospital, and that such information cannot reasonably be redacted from any of the above-listed documents. The Court concludes that such information is plaintiff's confidential and protected information; that Defendants may disclose such information to the Court and to plaintiff for the purposes of defending themselves against plaintiff's allegations in this action; and that plaintiff's privacy interest in such information outweighs any interest in allowing the disclosure of such information to the general public. *See* 45 C.F.R. §§ 160.101 *et seq.* & 164.102 *et seq.*; Cal. Welf. & Inst. Code § 5328. Accordingly, the Court hereby orders that the above-listed documents shall be sealed pursuant to Civil Local Rule 79-5.

IT IS SO ORDERED.

Dated: 10/4/10

*Ronald M. Whyte*  
The Honorable Ronald M. Whyte

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